REMARKS

The present application includes claims 1-22, all of which have been rejected. In particular, claims 1-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2003/0169850 ("Kump") in view of U.S. 2004/0017224 ("Tumer"). The Applicants respectfully traverse these claim rejections for at least the following reasons.

As an initial matter, the Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

> **It is essential that patent applicants obtain a prompt yet complete examination of their applications.** Under the principles of compact prosecution, each claim should be reviewed for compliance **with every statutory requirement for patentability in the *initial review* of the application**, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel ***should* state *all* reasons and bases for rejecting claims in the *first* Office action.** Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. **Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved.** A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Manual of Patent Examining Procedure (MPEP) § 2106(II) (emphasis added). As such, the Applicants assume, based on the goals of patent examination noted above, that *the current* Office Action has set forth "all reasons and bases" for rejecting the claims.

Further, this Response does not amend any of the claims. Therefore, the Applicants respectfully submit that this Response cannot raise any new issues with respect to the pending claims that would require a further search. In short, a never-ending process of repeatedly dredging up different prior art references after the Applicants effectively differentiate cited

references without amending claims unquestionably undermines the principles of compact prosecution.

Turning now to the claim rejections, in particular, claim 1 recites, in part, "examining **an image** from an x-ray detector to measure **a first signal level for a first area of interest** and a **second signal level for a second area of interest**, wherein said **first area of interest includes a first image area** and said **second area includes a second image area**; determining a **difference in said first signal level and said second signal level.**" Note, the claim is clear that a **first signal level** for a first area of interest in **the image** and a second **signal level** for a second area of interest **in the same image** are examined for measurement. Further, the first area of interest includes a first image area of **the image** and the second area includes a second image area of **that image**. Next, a difference in the **first signal level** for the first area of interest of **the image** and the **second signal level** for the second area of interest of **the image** is determined.

The Office Action relies on Kump as disclosing these limitations. *See* September 11, 2008 Office Action at page 3.

Kump discloses, however, the following:

> The method [of Kump] includes: exposing a detector to a first exposure from an energy source during a first exposure interval; after said first exposure interval, obtaining a first image data set during a first read time; after the first read time, exposing the detector a second exposure from the energy source during a second exposure interval; after the second exposure interval, obtaining a second image data set during a second read time; after the second read time, scrubbing the detector; after the scrubbing, obtaining a first offset image from the detector; after the obtaining the first offset image, obtaining a second offset image from the detector; applying the first offset image to compensate for charge retention effects in the first image data sets; and applying the second offset image to compensate for charge retention effects in the second image data set.

Kump at [0018]. As shown above, Kump discloses obtaining first and second image data sets and first and second offset images. Kump does not describe, teach or suggest, however, measuring a first signal level for a first area of interest of an image and a second signal level for a second area of interest of the same image. Additionally, while Kump discloses applying offset **images** to compensate for charge retention effects, Kump does not describe, teach or suggest measuring **signal levels** of areas of an image or determining a difference between signal levels of areas of interest of an image.

Kump discloses "subtracting the 'dark' scan from the actual 'exposed' can of the desired object." *See id.* at [0039]. However, the 'dark scan' is an offset **image**, not a signal level of a an area of interest within an image. *See id.* at [0039] ("In step 416, the detector 110 obtains a first offset **image**. An offset image is a **'dark' scan**...").

The Office Action cites Kump at Figure 4, references 406 and 412 as disclosing "examining an image from an x-ray detector to measure a first signal level for a first area of interest and a second signal level for a second area of interest, wherein said first area of interest includes a first image are and said second area includes a second image area." *See* September 11, 2008 Office Action at page3.

Reference numeral 406 of Kump recites, however, "Obtain First Image Data Set During First Read Time After First Delay," while reference numeral 412 of Kump recites "Obtain Second Image Data Set During Second Read Time After Second Delay." *See* Kump at Figure 4. Notably, neither of these portions discloses measuring signal levels of an image, and clearly not signal levels of a plurality of areas of an image.

As noted above, the Office Action relies on Kump as disclosing "examining **an image** from an x-ray detector to measure **a first signal level for a first area of interest** and a **second signal level for a second area of interest**, wherein said **first area of interest includes a first image area** and said **second area includes a second image area**; determining a **difference in said first signal level and said second signal level**." Independent claim 12 recites similar limitations. As explained above, though, Kump does not describe, teach or suggest these limitations, contrary to the assertions in the Office Action. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 1-22 as being unpatentable over Kump in view of Tumer.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a future claim rejection).

The Applicants respectfully request that the outstanding rejections be reconsidered and withdrawn for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account No. 07-0845.

Respectfully submitted,

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